

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ADAMS POINTE I, L.P., <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 16-750
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Cynthia Reed Eddy
TRU-FLEX METAL HOSE CORP., <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On February 28, 2018, the Magistrate Judge issued a Report (Doc. 260) recommending that Third-Party Defendant Ward's Motion to Dismiss (Doc. 168) the claims against it be granted, in part with-prejudice, and in part without-prejudice; and that Ward's request to dismiss the Original Complaint (also in Doc. 168) be denied, without prejudice. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, it hereby is ORDERED that Ward's Motion to Dismiss (**Doc. 168**) is **GRANTED WITH PREJUDICE** regarding the third-party claim(s) for **indemnification**,

and **GRANTED WITHOUT PREJUDICE** as to the claim(s) for **contribution**;¹ Ward's request for dismissal of the Original Complaint is denied without prejudice; and the Magistrate Judge's Report and Recommendation (Doc. 260) is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

March 15, 2018

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record

¹ In light of the Magistrate Judge's analyses, the Court believes that the Third-Party Plaintiffs likely have sufficient factual predicates to cure their pleading deficiencies, under *Iqbal/Twombly*, and state viable claim(s) for contribution against Defendant Ward. Nevertheless, given the Magistrate Judge's understanding that the dismissal is *without prejudice*, and the lack of objection by any party, the Court will adopt the approach endorsed in the Report and Recommendation.